

Blumenauer Inslee
 Boswell Israel
 Boucher Jackson (IL)
 Boyd Jackson-Lee
 Brady (PA) (TX)
 Brown (OH) Jefferson
 Brown, Corrine John
 Capps Johnson, E. B.
 Capuano Jones (OH)
 Cardin Kanjorski
 Cardoza Kaptur
 Carson (IN) Kennedy (RI)
 Carson (OK) Kildee
 Case Kilpatrick
 Clay Kleczka
 Clyburn Kucinich
 Cooper Lampson
 Costello Langevin
 Crowley Lantos
 Cummings Larsen (WA)
 Davis (AL) Larson (CT)
 Davis (CA) Lee
 Davis (FL) Levin
 Davis (IL) Lewis (GA)
 Davis (TN) Lipinski
 DeFazio Lofgren
 DeGette Lowey
 Delahunt Lucas (KY)
 DeLauro Lynch
 Deutsch Majette
 Dicks Maloney
 Dingell Markey
 Doggett Marshall
 Dooley (CA) Matheson
 Doyle Matsui
 Edwards McCarthy (MO)
 Emanuel McCarthy (NY)
 Engel McCollum
 Eshoo McDermott
 Etheridge McGovern
 Evans McIntyre
 Farr McNulty
 Fattah Meehan
 Filner Meek (FL)
 Frank (MA) Meeks (NY)
 Frost Menendez
 Gonzalez Michaud
 Gordon Millender-
 Green (TX) McDonald
 Grijalva Miller (NC)
 Gutierrez Miller, George
 Hall Mollohan
 Harman Moore
 Hastings (FL) Moran (VA)
 Hill Murtha
 Hinchey Nadler
 Hoeffel Napolitano
 Holden Neal (MA)
 Holt Oberstar
 Honda Obey
 Hooley (OR) Olver
 Hoyer Owens

NOT VOTING—9

Berkley Ferguson Istook
 Bishop (UT) Ford Pearce
 Conyers Gephardt Sullivan

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMMONS) (during the vote). Members are reminded that there are 2 minutes remaining in this vote.

□ 1353

Mr. REYES changed his vote from “aye” to “no.”

So the motion to table the motion to reconsider was agreed to.

The result of the vote was announced as above recorded.

MOTION TO ADJOURN

Mr. HASTINGS of Florida. Mr. Speaker, I move the House do now adjourn.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. HASTINGS of Florida. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 29, noes 394, answered “present” 1, not voting 10, as follows:

[Roll No. 417]

AYES—29

Baird Grijalva Sanchez, Loretta
 Bishop (GA) Hastings (FL) Sandlin
 Brown, Corrine Jones (OH) Schakowsky
 Capuano Kaptur Shimkus
 Clay Kennedy (RI) Solis
 Clyburn McIntyre Thompson (MS)
 Conyers Miller, George Towns
 Evans Olver Watson
 Filner Pallone Woolsey
 Frank (MA) Rangel

NOES—394

Abercrombie Davis (AL) Hobson
 Ackerman Davis (CA) Hoeffel
 Aderholt Davis (FL) Hoekstra
 Akin Davis (IL) Holden
 Alexander Davis (TN) Holt
 Allen Davis, Jo Ann Honda
 Andrews Davis, Tom Hooley (OR)
 Baca Hostettler
 Bachus Houghton
 Baker Delahunt Hoyer
 Baldwin Hulshof
 Ballance DeLay Hunter
 Ballenger DeMint Hyde
 Barrett (SC) Deutsch Inslee
 Bartlett (MD) Diaz-Balart, L. Isakson
 Barton (TX) Diaz-Balart, M. Israel
 Bass Dicks Issa
 Beauprez Dingell Istook
 Becerra Doggett Jackson (IL)
 Bell Dooley (CA) Jackson-Lee
 Bereuter Doolittle (TX)
 Berman Doyle Janklow
 Berry Dreier Jefferson
 Biggert Duncan Jenkins
 Bilirakis Dunn John
 Bishop (NY) Edwards Johnson (CT)
 Blackburn Ehlers Johnson (IL)
 Blumenauer Emanuel Johnson, E. B.
 Blunt Emerson Johnson, Sam
 Boehlert Engel Jones (NC)
 Bonilla English Kanjorski
 Bonner Eshoo Keller
 Bono Etheridge Kelly
 Boozman Everett Kennedy (MN)
 Boswell Farr Kildee
 Boucher Fattah Kilpatrick
 Boyd Feeney Kind
 Bradley (NH) Flake King (IA)
 Brady (PA) Fletcher King (NY)
 Brady (TX) Foley Kingston
 Brown (OH) Forbes Kirk
 Brown (SC) Fossella Kleczka
 Brown-Waite, Franks (AZ) Kline
 Ginny Frelinghuysen Knollenberg
 Burgess Frost Kolbe
 Burns Gallegly Kucinich
 Burr Garrett (NJ) LaHood
 Burton (IN) Gerlach Lampson
 Buyer Gibbons Langevin
 Calvert Gilchrist Lantos
 Camp Gillmor Larsen (WA)
 Cannon Gingrey Larson (CT)
 Capito Gonzalez Latham
 Capps Goode LaTourette
 Cardin Goodlatte Leach
 Cardoza Gordon Lee
 Carson (IN) Goss Levin
 Carson (OK) Granger Lewis (CA)
 Carter Graves Lewis (GA)
 Case Green (TX) Linder
 Castle Green (WI) Lipinski
 Chabot Greenwood LoBiondo
 Chocola Gutierrez Lofgren
 Coble Gutknecht Lowey
 Cole Hall Lucas (KY)
 Collins Harman Lucas (OK)
 Cooper Harris Lynch
 Costello Hart Majette
 Cox Hastings (WA) Maloney
 Cramer Hayes Manzullo
 Crane Hayworth Markey
 Crenshaw Hefley Marshall
 Crowley Hensarling Matheson
 Cubin Herger Matsui
 Culberson Hill McCarthy (MO)
 Cummings Hinchey McCarthy (NY)
 Cunningham Hinojosa McCollum

McCotter Pitts Smith (NJ)
 McCrery Platts Smith (TX)
 McDermott Pombo Smith (WA)
 McGovern Pomeroy Snyder
 McHugh Porter Souder
 McInnis Portman Spratt
 McKeon Price (NC) Stark
 McNulty Pryce (OH) Stearns
 Meehan Putnam Stenholm
 Meek (FL) Quinn Strickland
 Meeks (NY) Radanovich Stupak
 Menendez Rahall Sweeney
 Mica Ramstad Tancredo
 Michaud Regula Tanner
 Millender Rehberg Tauscher
 McDonald Renzi Tauzin
 Miller (FL) Reyes Taylor (MS)
 Miller (MI) Reynolds Taylor (NC)
 Miller (NC) Rodriguez Terry
 Miller, Gary Rogers (AL) Thomas
 Mollohan Rogers (KY) Thompson (CA)
 Moore Rogers (MI) Thornberry
 Moran (KS) Rohrabacher Tiahrt
 Moran (VA) Ros-Lehtinen Tiberi
 Murphy Ross Tierney
 Murtha Rothman Toomey
 Musgrave Roybal-Allard Turner (OH)
 Myrick Royce Turner (TX)
 Nadler Rumpersberger Udall (CO)
 Napolitano Rush Udall (NM)
 Neal (MA) Ryan (OH) Upton
 Nethercutt Ryan (WI) Van Hollen
 Neugebauer Ryun (KS) Velazquez
 Ney Sabo Visclosky
 Northup Sanchez, Linda
 Norwood T. Walden (OR)
 Nunes Sanders Walsh
 Diaz-Balart, M. Saxton Wamp
 Oberstar Schiff Waters
 Obey Schrock Watt
 Ortiz Scott (GA) Waxman
 Osborne Scott (VA) Weiner
 Ose Sensenbrenner Weldon (FL)
 Otter Serrano Weldon (PA)
 Owens Sessions Weller
 Oxley Shadegg Wexler
 Pascrell Shaw Whitfield
 Pastor Shays Wicker
 Paul Sherman Wilson (NM)
 Payne Sherwood Wilson (SC)
 Pelosi Shuster Wolf
 Pence Simmons Wu
 Peterson (MN) Simpson Wynn
 Peterson (PA) Skelton Young (AK)
 Petri Slaughter Young (FL)
 Pickering Smith (MI)

ANSWERED “PRESENT”—1

DeFazio

NOT VOTING—10

Berkley Ferguson Pearce
 Bishop (UT) Ford Sullivan
 Boehner Gephardt
 Cantor Lewis (KY)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMMONS) (during the vote). Members are advised that they have 2 minutes to cast their vote.

□ 1410

Mr. HOEKSTRA changed his vote from “aye” to “no.”

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

QUESTION OF PERSONAL PRIVILEGE

Mr. THOMAS. Mr. Speaker, I rise to a point of personal privilege.

The SPEAKER. The Chair has examined the press accounts that have been submitted, and it qualifies as a question of personal privilege under rule IX.

The gentleman from California (Mr. THOMAS) is recognized for 1 hour.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have always considered the time spent in this institution, the people's House, as one of the highest honors a person can be provided by this country. Each of us is elected by the people to be a Member. Each of us has an equal right to be here. But what we do here, what position or responsibilities that we have, we owe to each other.

Last Friday in the Ways and Means Committee while conducting a markup of a bill as a result of decisions made by members of the committee and by me as chairman, there was a breakdown of order and decorum. To reestablish order in the committee, I requested that staff place a call to the Sergeant at Arms. That decision, in my opinion, was proper and appropriate. A second decision to instruct staff to see if the Democrats that had occupied the library would go to room 1129, which is a room reserved for the Democrats for meetings and caucuses, and to enlist the support of the Capitol Police to do so if necessary, that decision, in the words of Norm Ornstein in a column today in Roll Call, was described as "just plain stupid." I agree with him.

Every Member has as much right to be here and to be heard as any other. In hindsight, calling the Sergeant at Arms for help in the committee room, I still believe, was good judgment. My instruction to use the Capitol Police, if necessary, in the library was not. I learned a very painful lesson on Friday. As Members, you deserve better judgment from me, and you will get it. Because of my poor judgment, those outside the House who want to trivialize, marginalize, and debase this institution were given an opportunity to do so. Because of my poor judgment, the stewardship of my party as the majority party in this House has been unfairly criticized.

□ 1415

Because of my poor judgment, I became the focus of examination rather than the issues. The visions that each of us have for a better America, different as though they may be but equally entitled to be heard, were not focused on.

It has been said that our strengths are our weaknesses. Or as my mother would have put it, "When they were passing out moderation, you were hiding behind the door." I believe my intensity has served useful purposes, fixing problems and passing laws that otherwise may not have made it. But when one is charged and entrusted with responsibilities by you, my colleagues, as I have been, you deserve better. Moderation is required.

For the remainder of my time in this, the people's House, I want to rededicate my efforts to strengthening this institution as the embodiment of what is best about us. I need your help and I invite it.

Mr. Speaker, I yield back the balance of my time.

PARLIAMENTARY INQUIRY

Mr. RANGEL. Mr. Speaker, I would like to respond in a positive way, and I make a parliamentary inquiry. Would this be the proper time to ask whether my privilege of the House motion could be heard?

The SPEAKER. The Chair will continue to take that timing under advisement.

(Mr. RANGEL asked and was given permission to speak out of order.)

RESPONSE TO QUESTION OF PERSONAL PRIVILEGE

Mr. RANGEL. Mr. Speaker and my colleagues, I first want to thank the chairman of my committee for what had to be a very difficult task for him in coming before this august body and expressing regret for poor judgment. All of us at some time or the other have had poor judgment, and it is always difficult for us, especially as politicians, to say publicly that we made a mistake.

The reason I asked to respond is because I know that each and every one of us love this body and recognize that we are privileged, if not blessed, to have the opportunity to represent the people of the United States of America. But whether or not it is a Thomas-Rangel dispute, a Republican-Democrat dispute, the only question that we have is that we leave this place in no worse shape than we inherited it. Each Congress tries to improve the quality of civility, the partnership, the working together, the mutual respect and saying, as my chairman said, that we all want a better America, indeed a better world.

But we have diversity in this country. It is our biggest strength, and to respect the American people, we have to respect each other. It is not a question of personality. We cannot afford to be personal about it. There has to be respect. Yes, the majority has the responsibility to lead and to get their legislation through, but the minority has the right to be respected, to be heard, and to know, in a timely fashion when that legislation is coming up, to know what is in the bill, to have time and to be able to use not the rules that we make up as we go along but the rules of civility that allowed this body to exist for over 200 years. These were not Republican rules. They were not Democratic rules. They were rules to say, notwithstanding your emotion, this will guide you for a better Congress and a better America.

I hope, Mr. Speaker, that out of this, because our parents have always told us that out of the worst day of the worst situation, if you commit to it, you can find some good to come out of it. So do not look at it as being a Thomas-Rangel, Committee on Ways and Means issue. Let us look at this as being a House of Representatives issue. Let us see whether every committee and every Member can say that in this

House we have got to respect each other no matter how much we differ. We should try to believe that the best of us is to do the best job for our country.

Chairman THOMAS, I thank you for coming forward and giving us the opportunity to say can we not take this House to a higher level? Can we not go back home and make the people proud of us? And whether we win or lose in terms of legislation, whether we respect each other is what I think those that we leave this Congress to would respect us for. Thank you, Mr. Chairman.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

The SPEAKER. Pursuant to House Resolution 326 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2799.

□ 1422

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2799) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2004, and for other purposes, with Mr. HASTINGS of Washington in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, the amendment by the gentleman from Michigan (Mr. LEVIN) had been disposed of by a point of order.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: the amendment offered by the gentleman from California (Mr. OSE), the amendment offered by the gentleman from Indiana (Mr. HOSTETTLER), amendment No. 1 offered by the gentleman from New York (Mr. HINCHEY) and the amendment offered by the gentleman from Illinois (Mr. RUSH).

The first electronic vote will be conducted as a 15-minute vote. The remaining electronic votes will be conducted as 5-minute votes.

AMENDMENT OFFERED BY MR. OSE

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. OSE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.